

Remarks

The indication of allowance of claims 53 (in part) - 78 and 80 is noted with appreciation.

The amendment

Entry of the amendment is respectfully requested.

No new matter is added by the amendment, because:
the amendment to claim 53 writes the substance of claim 54 (the limitation that Z is C-R⁸) into claim 53;
the amendment to claim 55 restates that claim without change in substance to match the amendment to claim 53;
the amendment to claim 63 restates that claim without change in substance to match the amendment to claim 53; and
other amendments cancel claims 1, 54, 79, and 93-94.

The restriction requirement

The Examiner had required election of a single value of X, Y, and Z, and Applicants have canceled Claim 1 and amended Claim 53 to comply with that restriction requirement, thereby electing the species where $X = Y = O$ and $Z = C-R^8$, and canceling claim 54 as redundant.

In addition, the Examiner had withdrawn from consideration claims 79 and 81-94 as being drawn to non-elected subject matter, and this restriction requirement had been traversed in the response mailed 26 January 2004. The Examiner has maintained that restriction requirement.

Applicants have canceled claims 79 and 93, the composition and method of treatment claims, respectively, that included the presence of an additional therapeutic agent; and have also canceled claim 94, an independent method of treatment claim.

However, Applicants request that claims 81-92 be rejoined with allowed claim 80, in accordance with the practice of MPEP 809.02(c), paragraph (B), which states:

- "(B) When a generic claim is subsequently found to be allowable, and not more than a reasonable number of additional species are claimed, treatment shall be as follows:
(1) When *all* claims to each of the additional species are embraced by an allowable generic claim as provided by 37 CFR 1.141, applicant must be advised of the allowable generic claim and that claims drawn to the nonelected species are no longer withdrawn since they are fully embraced by the allowed generic claim."

Since each of claims 81-92 are embraced by allowable generic claim 80 (each claim specifically states "The method of claim 80, where ...") and the number of claims is reasonable (12), Applicants request that the restriction requirement as to claims 81-92 should be withdrawn and those claims rejoined with allowed claim 80.

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Conclusion

Entry of the amendment, and allowance of claims 53, 55-78, and 81-92, are respectfully requested.

Respectfully submitted,



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